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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,197	07/27/2000	Jeffry Jovan Philyaw	PHLY-25,372	1263
25883	7590	03/15/2004	EXAMINER	
HOWISON & ARNOTT, L.L.P			MAURO JR, THOMAS J	
P.O. BOX 741715			ART UNIT	
DALLAS, TX 75374-1715			PAPER NUMBER	

2143

DATE MAILED: 03/15/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/627,197

Applicant(s)

PHILYAW, JEFFRY JOVAN

Examiner

Thomas J. Mauro Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to the amendment (Paper # 9) filed on 12/16/2003. Claims 16-37 have been cancelled. Claims 1-15 remain pending.
2. Claims 1-15 are presented for further examination.
3. Examiner acknowledges amendments to specification and drawings and therefore withdraws the objections made to the specification and to the drawings.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites that "all of the functionality to both scan and effect a connection is contained within said housing." This housing as referred to in the claim is the battery pack. Given the information in the drawings, specifically figure 40, and the information contained within the specification, Examiner does understand how the battery pack [housing], i.e. scanning module, can solely effect a connection

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when nowhere in the drawings or the specification is it disclosed that the housing contains an antenna or a dialing circuit, etc. In addition, if, for the sake of argument, the housing can effect a connection, then Examiner sees no need for the data interface (3810) and furthermore, the attachment to a cellular phone if the housing can accomplish the task without the use of the phone. Therefore, applicant's disclosure is insufficient to allow one of ordinary skill in the art to make or use the invention without undue experimentation because applicant did not adequately disclose the necessary apparatus to perform the regarding claimed apparatus. See *In re Gunn*, 190 USPQ 402, 406 (CCPA 1976).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz et al. (U.S. 5,923,735) in view of Wilz, Sr. et al. (U.S. 6,076,733).

Regarding claim 1, Swartz et al. teaches the invention substantially as claimed, a battery pack for a wireless communication device comprising:

- a. A housing adapted to be removably attachable to a wireless communication device that can wireless connect to a global communication network (GCN), the housing including an external shell defining an optical port therethrough and having an operational power interface and a data interface disposed on an exterior surface thereof [Swartz -- Figure 10, Col. 9 lines 59-65, Col. 11 lines 63-67 and Col. 12 lines 1-7 and Col. 13 lines 1-6 – Housing, i.e. battery pack contains an optical reader, i.e. bar code scanning module, that has a power interface, i.e. batter, and data interface, i.e. to enable sending of decoded bar code information to cellular phone to transmit wirelessly. In addition, cellular phones are required to connect and access a global communications network (GCN) in order to place calls, as is taught in Col. 13 lines 1-6];
- b. At least one battery disposed within the housing and electrically connected to the operational power interface [Swartz -- Figure 10 – item 204 and Col. 12 lines 2-3 – Battery is disposed inside the battery pack housing to power device]; and
- c. An optical reader disposed within the housing for scanning an optical indicia through the optical port and producing signals indicative of information encoded in the optical indicia, the optical reader being operably connected to the data interface and powered by the battery [Swartz -- Figure 10 – items 202 and 204, Col. 11 lines 65-67 and Col. 12 lines 1-7 – Optical reader, i.e. bar code scanning module, is disposed within the battery pack housing for scanning and decoding bar codes. This module (202), as can be seen in figure 10, is connected to the battery (204) to receive power to operate];

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d. Whereby a wireless communication device attached to the battery pack can obtain operational power from the operational power interface and can access signals indicative of the information encoded in the optical indicia from the data interface [Swartz -- **Figure 10 – item 202, Col. 11 lines 65-67 and Col. 12 lines 1-7 – Cellular phone, i.e. wireless communication device, receives power through contacts, i.e. electrical interface (206) and through which communication, i.e. data transfer, between scanning module and phone occurs**].

Swartz does not explicitly teach that the optical reader, in response to scanning, causes a connection to be made on the GCN through the wireless communication device.

Wilz, however, teaches an Internet Access system effected by reading a bar code symbol, either encoded with a Domain Name and Path Name (DN/PN-encoded) or Uniform Resource Location (URL-encoded), which automatically causes a connection to be established to an Internet server containing information specified in the bar code symbol [Wilz -- **Figures 1B1, 1B2, 1B3, 1B4 and Col. 2 lines 51-60**].

Both Swartz and Wilz disclose methods for providing wireless connectivity to send and receive data to a remote server using an optical reader and bar code encoded information.

In addition, it is notoriously well known in the art that any kind of information or commands can be encoded into a bar code so that when decoded by an optical reader, cause certain actions to occur.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the encoding of remote connection establishing information in a bar code, as taught by Wilz into the invention of Swartz, in order to

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provide a less time consuming, automated and improved method for navigating to web sites or remote locations.

Regarding claim 2, Swartz-Wilz teaches the invention substantially as claimed, wherein the optical reader further comprises:

- a. A radiant energy source for generating a radiant energy for illuminating the optical indicia [Swartz -- Col. 6 lines 41-42 and Col. 12 lines 1-2 – **Scanning laser beam is generated from energy source**];
- b. A photo detector for generating output electrical signals indicative of the radiant energy incident thereon [Swartz -- Col. 6 lines 42-43 and lines 51-54 – **Bar code reading charge-coupled device (CCD) is a photo detector**];
- c. An optical system for directing the radiant energy from the radiant energy source through the optical port to the optical indicia, collecting the radiant energy reflected from the optical indicia to the optical port, and directing the collected radiant energy to the photo detector [Swartz -- Col. 6 lines 15-18 – **The optical system is one employed by general bar code scanners and scanning terminals as are well known in the art, as mentioned by the author in Col 5 lines 24-26**]; and
- d. A decoder for decoding the output electrical signals of the photo detector and producing the signals indicative of the information encoded in the indicia [Swartz -- Col. 6 lines 46-60].

Regarding claim 3, Swartz-Wilz teaches the invention substantially as claimed, wherein the radiant energy source produces light having a wavelength within the visible spectrum [Swartz -- Col. 6 lines 15-17].

Regarding claim 4, Swartz et al. further teaches wherein the radiant energy source produces light having a wavelength within the infrared (IR) spectrum [Swartz -- Col. 6 lines 15-17].

Regarding claim 5, Swartz et al. further teaches wherein the radiant energy source produces light having a wavelength shorter than visible light and longer than X-Rays [Swartz -- Col. 6 lines 15-17].

8. Claims 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz et al. (U.S. 5,923,735) and Wilz, Sr. et al. (U.S. 6,076,733), as applied to claim 1 above, in view of Friel et al. (U.S. 6,025,695).

As to claim 6, Swartz-Wilz teach the invention substantially as claimed, as aforementioned in claim 1 above, including a battery pack comprising battery-conditioning circuitry disposed within the housing and having a first electrical connection to the battery, the battery conditioning circuitry monitoring operational battery characteristics through the first



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electrical connection [Swartz -- Col. 6 lines 27-31 – **Battery/Power supply system contains battery, regulator, charger and voltage detection circuit**].

Swartz-Wilz however, do not teach a second electrical connection to the data interface producing signals indicative of the charge condition of the battery on the second electrical connection, whereby a wireless communication device connected to the battery pack can access signals indicative of the operational battery characteristics on the data interface.

Friel et al. teaches a smart battery, including a memory, that may transmit data to the host device over a system management bus (SMB) i.e. battery/power characteristics.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the battery pack module of Swartz-Wilz to incorporate the data transfer of battery characteristics, i.e. amount of power left, voltage, etc., of Friel et al. in order to supply the user of the device with the useful and necessary power information so that they can monitor the battery status to prevent loss of information due to a dead battery.

As to claim 7, Swartz-Wilz teach the invention substantially as claimed, as aforementioned in claim 1 above, including creating a data packet containing information extracted from the optical indicia [Swartz -- Col. 9 lines 59-62 and Col. 11 lines 63-67 – Col. 12 lines 1-7 – **Information, generated from optical indicia, i.e. bar code, is sent wirelessly over the network which requires it to be first put into a packet for transmission**] but fails to teach a memory and processor disposed within the housing for retrieving a first code.

Friel, however, teaches a battery pack comprising a memory disposed within the housing and having a first code stored therein, the first code being associated with a group attribute of the

battery pack [Friel -- Col. 14 lines 42-47 and Col. 9 lines 45-52 – First code group attribute data, i.e. manufacturer data]; and a processor disposed within the housing and operably connected to the memory and to the data interface [Friel -- Figure 3 and Col. 6 lines 5-10 and lines 44-46]; wherein the processor can access the memory, retrieve the first code, and provide signals indicative of the first code at the data interface [Friel -- Figure 3 and Col. 14 lines 42-50 – In order for the data to be available to the host device through the data interface (System Management Bus – SMB), it is obvious the processor must access the data and send it across the SMB].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the battery pack of Swartz-Wilz to include a processor and memory space which the processor can access as was shown in Friel et al., in order to be able to store battery operational characteristics and critical information that the host device may request and to further provide a means to send the requested data to the host to set up power schemes and to insure power failure and data loss due to a dead battery does not occur.

As to claim 8, Swartz-Wilz-Friel teach the invention substantially as claimed, a battery pack wherein the group attribute associated with the first code is an identification of the distributor of the battery pack [Friel -- Col. 14 line 45].

As to claim 9, Swartz-Wilz-Friel teach the invention substantially as claimed, a battery pack wherein the group attribute associated with the first code is an identification of the type of wireless communication device which the battery pack is configured to fit [Friel -- Col. 14 line

**45 – Manufacturer data encompasses a wide range of data including, but not limited to, serial number, device type, identification of the distributor, production date, etc...].**

As to claim 10, Swartz-Wilz-Friel teach the invention substantially as claimed, a battery pack wherein the memory further includes a second code stored therein, the second code being associated with an individual attribute of the battery pack [**Friel -- Col. 9 lines 45-52 – Serial Number is unique attribute to each battery pack**], and wherein the processor can access the memory, retrieve the second code, and provide signals indicative of the second code at the data interface [**Friel -- Figure 3 and Col. 14 lines 42-50 – In order for the data to be available to the host device through the data interface (System Management Bus – SMB), it is obvious the processor must access the data and send it across the SMB**].

As to claim 11, Swartz-Wilz-Friel teach the invention substantially as claimed, a battery pack wherein the individual attribute associated with the second code is a serial number of the battery pack [**Friel -- Col. 9 line 51**].

As to claim 12, Swartz-Wilz-Friel teach the invention substantially as claimed, a battery pack with on-board memory (RAM) which contains many variables and pack-specific values such as design capacity, design voltage, serial number, manufacture date, etc... [**Friel -- Col. 9 lines 50-52**].

It is well known in the art that many products request the user to enter his or her name to register or provide identification of the user of the product. Therefore, it would have been obvious to a

person of ordinary skill in the art at the time the invention was made to include the identification of the user as one of the values within memory as to provide another means of uniquely identifying a product the owner of it.

As to claim 13, Swartz-Wilz-Friel teach the invention substantially as claimed, wherein the housing is adapted for attachment to a wireless communication device which is a cellular telephone [Swartz -- **Figure 10 and Col. 11 lines 63-64**].

As to claims 14 and 15, Swartz-Wilz do not explicitly teach the invention as claimed. Friel, however, teaches the invention substantially as claimed, wherein the housing is adapted for attachment to a wireless communication device which is a handheld PC [Friel -- **Col. 13 line 39 – A handheld PC is a type of portable computer**] and personal digital assistant (PDA) [Friel -- **Col. 13 line 39 – A PDA is one type of portable computer**].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swartz-Wilz and Friel et al. in order to allow other wireless communication devices to experience the usefulness and functionality that smart batteries provide to users.

***Response to Arguments***

9. Applicant's arguments filed 12/16/2003 have been fully considered but they are not persuasive.

(A) Swartz does not teach that the connection functionality is contained within the scanning module.

As to point (A), Swartz discloses all of the limitations set forth in claim 1, as can be seen with regards to the rejections above. In addition, this argument is also more fully addressed in the 112 1<sup>st</sup> paragraph rejection above.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Brink et al. (U.S. 6,064,804) discloses a battery which contains a memory and a mailbox for sending and receiving information.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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TJM

March 5, 2004



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